

## **REMARKS**

Claims 1-68 are pending in this application. Claims 1-68 have been canceled, without admission by Applicants and without prejudice to Applicants' right to pursue the subject matter of those canceled claims either in this or in other (e.g., related) patent applications. New claims 69-117 have been introduced to particularly point out and distinctly claim the elected subject matter of Applicants' invention. Hence, claims 69-117 will be pending upon entry of this amendment. The new claims are fully supported by this application as originally filed and do not introduce new matter. Entry of this amendment is therefore respectfully requested.

### **The January 7, 2002 Amendment:**

The Examiner has acknowledged, in the Office Action, receipt of Applicants' amendment filed on January 7, 2002 for this application (the "January 7 amendment"). However, the Office Action indicates that certain pages of that amendment are missing from the Examiner's records. The Examiner has requested that Applicants resubmit a copy of the January 7 amendment in full and as originally filed.

Pursuant to the Examiner's request, a courtesy copy of the January 7 amendment is attached hereto, at Tab A. On information and belief, the document attached at Tab A is a true copy of the January 7 amendment. Specifically, on information and belief, the document at Tab A was deposited with the United States Postal Service as First Class Mail on November 7, 2001. A true copy of the return receipt postcard which, on information and belief, was submitted with the January 7 amendment, is also provided here at Tab B. The postcard has been stamped by the

USPTO Receiving Office, indicating that the documents listed therein (including the January 7 amendment) were received by the USPTO in their entirety on January 7, 2002.

Applicants respectfully request that the Examiner enter the January 7 amendment as well as the above-made amendments for this application.

**The Drawing Requirement(s):**

The Office Action also indicates that the drawings original submitted with this application as filed do not comply with the drawing requirements set forth in 37 C.F.R. § 1.84. Accordingly, a set of Formal Drawings for this application is submitted herewith, as a separate paper and with a transmittal letter addressed to the Official Draftsperson.

**The Requirement for Restriction:**

Applicants note that the Examiner has vacated the original Restriction Requirement for this application, and has issued a new Requirement for Restriction. In particular, the Examiner has required a restriction of the pending claims to one of the following groups:

Group I: Claims directed to antibodies that specifically bind human CTLA-4, compositions containing such antibodies, and cell producing such antibodies;

Group II: Claims directed to nucleic acids encoding antibodies that specifically bind human CTLA-4;

- Group III: Claims directed to transgenic, non-human animals;
- Group IV: Claims directed to methods of inducing, augmenting or prolonging an immune response to an antigen; and
- Group V: Claims directed to methods of suppressing an immune response.

In response to this new Requirement for Restriction, Applicants hereby elect, without traverse, to prosecute claims directed to the subject matter of Group I: antibodies that specifically bind human CTLA-4, compositions containing such antibodies, and cell producing such antibodies. The original claims filed with this application have been canceled (without prejudice) and new claims 69 – 117 have been introduced in the above amendments to particularly point out and distinctly claim the subject matter of this elected claim group.

**The Requirement for Species Election:**

In addition to the Requirement for Restriction, the Examiner has also required election of a particular species recited in the pending claims. In particular, the Examiner has required that should Applicants elect the subject matter of Group I, as they have done, *supra*, Applicants must also elect:

- (a) a *particular* species of antibody that specifically binds CTLA-4, and
- (b) a particular species of pharmaceutical composition; *i.e.*, a pharmaceutical composition comprising a CTLA4-specific antibody

and one of the species of second ingredients recited in claims 48-50 as originally filed.

Applicants understand that the claims will be limited to the elected species only in the event no generic claim is found to be allowable.

In response to the first species restriction, Applicants hereby elect to prosecute claims that are directed to the antibody referred to in this application as 10D1. For the Examiner's convenience, Applicants respectfully point out that the application as originally filed teaches the heavy and light chain variable sequences for 10D1 are as set forth in the following Table (see, for example, in the application as filed at Figures 5-8 and at Table 3 on page 74):

**Amino Acid and Nucleotide Sequences  
for the Antibody 10D1**

	Amino Acid Sequence	Encoding Nucleotide Sequence
Light chain variable region ( $V_L$ )	SEQ ID NO:7	SEQ ID NO:6
Heavy chain variable region ( $V_H$ )	SEQ ID NO:17	SEQ ID NO:16
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Complementarity Determining Regions (CDRs)		
$V_L$ CDR1	SEQ ID NO:24	
$V_L$ CDR2	SEQ ID NO:29	
$V_L$ CDR3	SEQ ID NO:35	
$V_H$ CDR1	SEQ ID NO:27	
$V_H$ CDR2	SEQ ID NO:32	
$V_H$ CDR3	SEQ ID NO:37	

For the Examiner's convenience, Applicants also respectfully point out that the application as filed teaches that 10D1 effectively inhibits B7 ligand binding to CTLA4 at low concentrations (see lines 21-22 on page 81 of the specification as filed). Accordingly, it is believed that claims 69-114 and 116 read on the elected species of antibody.

With respect to the second species restriction, Applicants believe that this requirement is not obviated since the pending claims (as amended *supra*) no longer specifically recite a pharmaceutical composition. Nevertheless, in order to be fully responsive to the requirement for species election, Applicants hereby elect the species of pharmaceutical compositions that comprise an agent effective to induce an immune response against a target antigen. For the reasons explained above, it is believed that all of the pending claims are generic and therefore read on the elected species of pharmaceutical compositions.

**Conclusion:**

It is believed that the above made amendments and remarks are fully responsive to the outstanding Office Action, including the new Requirement for Restriction and the species election requirement. Accordingly, entry and consideration of these amendments and remarks are respectfully requested. The Examiner is also invited to contact Applicants' undersigned representative directly if she believes that it may

advance prosecution of this application. An early and favorable examination of this application on the merits is respectfully requested.

Respectfully submitted,

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